

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **SEN. BOB KEENAN**, on March 15, 1999 at 3:12 P.M., in Room 402 Capitol.

ROLL CALL

Members Present:

Sen. Bill Glaser, Vice Chairman (R)
Sen. Jon Ellingson (D)
Sen. Alvin Ellis (R)
Sen. John Hertel (R)
Sen. Bob Keenan (R)
Sen. Debbie Shea (D)
Sen. Mike Sprague (R)
Sen. Spook Stang (D)
Sen. Mignon Waterman (D)
Sen. Jack Wells (R)

Members Excused: Sen. Daryl Toews, Chairman (R)

Members Absent: None.

Staff Present: Eddye McClure, Legislative Branch
Janice Soft, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 528, 3/4/1999; HJR 21,
3/4/1999; HJR 20, 3/4/1999; HB
509, 3/4/1999
Executive Action: None

In the absence of **CHAIRMAN DARYL TOEWS**, the meeting was chaired by **SEN. BOB KEENAN**.

HEARING ON HB 528

Sponsor: **REP. CAROL JUNEAU, HD 85, Browning**

Proponents: SEN. DOROTHY ECK, SD 15, Bozeman
Kevin Howlett, Confederated Salish-Kootenai Tribes
Colleen Graham, Montana School Boards Association
Wayne Buchanan, Board of Public Education
Marcia Hammett, Ft. Belknap Indian Community
Christine Kauffman, Montana Human Rights Network
Sandra Murie, Superintendent, Rocky Boy Schools
Bill Cooper, Office of Public Instruction
Richard Little Bear, Dull Knife Memorial College
Loran Frazier, School Administrators of Montana
Eric Feaver, Montana Education Association & Montana
Federation of Teachers

Opponents: None

Opening Statement by Sponsor:

REP. CAROL JUNEAU, HD 85, Browning, based her opening remarks on **EXHIBIT (eds58a01)** and **EXHIBIT (eds58a02)**. She emphasized **HB 528** was not a mandate to educational institutions but was meant to provide more clarity and guidance in implementing the Constitutional language. She explained **Section 1** outlined the intent of the legislature in including the language of the Constitution, and **Sections 2 & 3** included existing statute so there would be one bill in a new section of the codes. She said **HB 528** was one of the most important Indian education bills to come before the legislature and would help strengthen educational institutions and understandings between the Indian nations and other Montana people. **REP. JUNEAU** complimented SEN. DOROTHY ECK on including the language in the 1972 Constitution and said she would carry **HB 528** on the Senate Floor. She said the idea for the Constitutional amendment came from two Ft. Peck Indian students who asked for a chance to have the opportunity to study their own culture so they could develop a sense of pride in their civilization. They also asked all Montana students to recognize the importance and dignity of American Indians in the life of Montana. She shared supportive comments from Earl Barlow, Director of Indian Education in Montana in 1972, and from Northern Cheyenne students who visited the legislature earlier this session. **REP. JUNEAU** explained this bill was the result of work by the Montana Advisory Council on Indian Education, the Montana Indian Education Association and the Committee on Indian Affairs of the legislature.

Proponents' Testimony:

SEN. DOROTHY ECK, SD 15, Bozeman, said she supported the bill because it did not mandate what the schools or teachers should

do. Rather, it encouraged school districts to become involved in developing the program. She commented there had been improvement over the years in the education and understanding of the Indian culture, which was evident in the availability of good materials.

SEN. ECK was of the opinion one thing Montana lacked was cultural diversity and some of this was the source of it. Anything that could be done to promote understanding, appreciation and acceptance would be good for students and for all of us.

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Kevin Howlett, Confederated Salish & Kootenai Tribes, said they supported the bill because there were many serious problems on the reservations. However, those problems were not confined to just the Indian community, but were compounded by lack of understanding and appreciation for each other. He suggested one of the critical elements of success was parental involvement, and in the case of native Americans, public education never extended a hand. He said they were only one generation away from the Great Depression and only one check away from welfare. He commented in some ways, things were better today than they were in 1972, but their children still were not making it. Statistics among the Native Americans showed only two out of ten students would graduate from high school, which was unacceptable. He said there would always be both Indian and non-Indian children in our schools, and an attempt should be made to try to create something which gave trustees, regents, school administrators, teachers and parents something common to hang onto. That "something" was an opportunity to promote understanding, sense of unity, diverse curriculum and diversity. He affirmed both he and the Salish Kootenai Tribe had been proud to be part of putting this together, though it was only a beginning. He asked the Committee to concur in passing **HB 528**.

Colleen Graham, Montana School Boards Association (MSBA), voiced support for **HB 528** because it was an important reminder of Constitutional obligation to respect and acknowledge the Native American culture in Montana. She said MSBA recently added the 18th member to its Board of Directors, and this member came from the Indian School Board Caucus. This member, even in this short time, provided additional insight to very important issues involving tribal sovereignty and Indian Aid Impact to school districts. She asked for support for the bill.

Wayne Buchanan, Board of Public Education, said they had been part of the group which had been working on this bill for over two years. There had been much discussion on whether the bill should be a mandate or in its present form, and the Native

American people voted on and adopted **HB 528** in its present form. He said the bill warranted the Committee's support.

Marcia Hammett, Ft. Belknap Indian Community, drew her comments from **EXHIBIT(eds58a03)** and **EXHIBIT(eds58a04)**.

Christine Kauffman, Montana Human Rights Network, said Native American members on their board had been asking the Network for years to take the lead in doing something about the language in the Constitution. She said the Network's response had always centered around mandates and requiring school districts to teach Indian studies, so in reality, little progress had been made. They supported **HB 528** because they felt it was a step in the right direction, and one reason was they liked the clarification that Indian studies were not just for Indians or schools on or near reservations, but were for schools all across Montana. Also, it was not just about past history, but also about contemporary contributions of Indians. She suggested if the language in the Constitution had been implemented 20 years ago, there would currently be a much broader base of public understanding about tribal sovereignty and treaty rights. She urged support for this legislation.

Sandra Murie, Superintendent, Rocky Boy Schools, read her written testimony **EXHIBIT(eds58a05)**.

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Bill Cooper, Office of Public Instruction (OPI), said they enthusiastically and strongly supported the passage of **HB 528**. OPI currently had staff who could work through its obligations as outlined in the bill, and assist the university system and local school districts in meeting its obligations also. He urged support for the bill.

Richard Little Bear, Dull Knife Memorial College, read his written testimony **EXHIBIT(eds58a06)**, and added he agreed Indian schools had a high dropout rate. He suggested one of the reasons was Indian students did not see applicability in what they were being taught because Native American culture, history, etc., was not properly included. Also, it emanated from cultural hate, i.e. the abasement and degradation of Native American identity through the media, textbooks, etc. He suggested it was time to do away with the misconceptions and stereotypes, which made for either convenient thinking or no thinking at all. Any kind of curriculum made a powerful statement and most educators were well-schooled in the culture of societies other than Native American. It was time to turn that around. He said his reservation had Native American studies, but in reality they were

learning Caucasian studies. He said their Native languages were dying because they were being supplanted by the English language. He asked support for **HB 528** because it was not a mandate.

Loran Frazier, School Administrators of Montana (SAM), said they also supported the bill and urged its passage.

Eric Feaver, Montana Education Association (MEA) and Montana Federation of Teachers (MFT), said they rose in support of the bill and were delighted to do so. He said his groups were intricately involved in providing in-service training which addressed some of the concerns of the bill.

Opponents' Testimony: None.

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Questions from Committee Members and Responses:

SEN. DEBBIE SHEA said she taught history, which included a unit on American women. She commented for years, she had tried to find information on Native American women, but there was not much available. When she would ask about information sources, she was often told the stories were orally passed down, but usually not written. She remarked she hoped a big part of the bill would be to honor Native American women and tell their remarkable stories. As a teacher, she would love to have those narratives but did not know where to find them. **REP. CAROL JUNEAU** said she agreed there was a lack of curriculum resources, both in K-12 and college. She suggested people involved in Indian education needed to start working on writing those stories down so they could be used at various grade levels.

SEN. MIKE SPRAGUE said he was confused about "values, beliefs, ethics and contemporary affairs" and wondered if they were different for an Indian culture from those for a white. **Kevin Howlett** said there were differences and gave "family" as an example. He explained in his tribes, families were not nuclear families, i.e. extended families filled parental roles. When a member of that family was lost, it was the same as losing a parent, and absence from school, for example, for a three-day tribal wake was expected. He suggested values were handed down and the intent was to bring things into a more global perspective, i.e. the Indian child and the family he or she was a part of, really was a much larger picture. Another difference was learning styles, and he explained Indian children were taught to listen to understand, while white children listened to respond. "Responding" addressed anticipated answers and

"understanding" didn't always generate class participation or class discussion.

SEN. SPRAGUE suggested "values, beliefs and ethics" were more than a culture or heritage; they bordered on religion. **Mr. Howlett** said it was part and parcel of the essence of the bill, i.e. there were some things which were practiced in the Native American community that could be viewed as religion because some things were inseparable. An example was a person's place in the universe was defined for him or her, and knowledge was needed to be able to rise to the occasion. He remarked some would say that bordered on religion, and in some cultures it might, but if cultures were going to be understood, it was important to understand what framed them intellectually. One of those "frames" was Native language, because it was the origin of the culture. He suggested no supporter of this bill or issues at home would pretend the non-Indian would become engrossed with Indian values or beliefs; rather, Indians had a right to exist and have their language, songs, etc.

SEN. SPRAGUE said "There but for me, go I" and asked its relation to values and ethics. **Kevin Howlett** said he would look to the model more than forming an instant conclusion.

{Tape : 1; Side : A; Approx. Time Counter : 39.9}

SEN. ALVIN ELLIS said he was troubled by the drop-out rate of the Native American children, but gave examples of Native Americans who had completed their education and were contributing to their peoples' lives. He asked why the gap was so difficult for the Indian children, i.e. perhaps it was white teachers. **Kevin Howlett** affirmed it was mostly non-Indian teachers who taught Indian children, both in public and tribal schools. A way had to be found to connect the institution of education with full participation by the Indian community. Previously, people came to the school but would not return because they felt the school did them wrong. There was punishment for the use of their Native language, racism and children were snatched from families when they were six years old and returned when they were 20. Therefore, it was difficult to ask people to embrace the system and make them feel their involvement was important because of whom they and their children were. He suggested more could be done in public schools and universities in the preparation of teachers; in fact, no one should graduate from a Montana university without some basic knowledge of the Native people of Montana. It was his opinion the universities did not address diversity at an appropriate level,

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nor did the graduates have the background they needed.

SEN. ELLIS asked if Montana History was a required subject and **Wayne Buchanan** answered in the negative.

SEN. ELLIS commented since Native Americans were the first Montanans, this application went hand-in-glove with knowledge of how we got to where we were. **Wayne Buchanan** agreed, explaining when a bill was brought forth which mandated the inclusion of Montana History in the curriculum, Native American specialists from OPI were involved. He said even though it was not currently mandated, he thought most schools taught Montana History anyway; however, if it was not taught, things in the bill were not taught either.

SEN. ELLIS asked at what point it was usually taught and **Mr. Buchanan** said it was usually the seventh or eighth grade.

Closing by Sponsor:

REP. CAROL JUNEAU distributed copies of **EXHIBIT(eds58a07)** and **EXHIBIT(eds58a08)** and reaffirmed how important the bill was to the Indian people. She said she had been an advocate for Indian education for many years because she believed it was one of the strongest tools to strengthen relations. She encouraged a DO CONCUR on the bill.

{Tape : 1; Side : B; Approx. Time Counter : 4.2}

HEARING ON HJR 21

Sponsor: **REP. ROBERT LAWSON, HD 80, Whitefish**

Proponents: **Colleen Graham, Montana School Boards Association**
Bill Cooper, Office of Public Instruction
Loran Frazier, School Administrators of Montana

Opponents: **None**

Opening Statement by Sponsor:

REP. ROBERT LAWSON, HD 80, Whitefish, said he spent 21 years as an educator and since he retired, he was involved in many community activities. He saw education moving toward a partnership with students, parents, family, school and community patrons. This bill encouraged this partnership because it was good for students, schools and staff, families, communities and

mentors, i.e. it was a win-win situation. He described how not only could young students learn from older people, but also how the older population could learn from the students. He read an article which said elementary children were teaching their elders how to use computers. He asked for a DO CONCUR for the bill.

Proponents' Testimony:

Colleen Graham, Montana School Boards Association (MSBA), said they conveyed support for the bill because volunteers had something to contribute through their participation. She urged DO CONCUR for the bill.

Bill Cooper, Office of Public Instruction (OPI), said in his more-than-twenty years in education, he observed intergenerational involvement. Therefore, he rose in strong support.

Loran Frazier, School Administrators of Montana (SAM), said they supported the resolution because it went hand-in-glove with the national mentoring program as well as with Montana's Promise, a program where private industry would help to mentor, by 2010, 10,000 children-at-risk.

Opponents' Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

REP. ROBERT LAWSON said he closed and asked the Committee to appoint one of its members to carry **HJR 21** on the Senate Floor.

{Tape : 1; Side : B; Approx. Time Counter : 10.4}

HEARING ON HJR 20

Sponsor: **REP. JOE QUILICI, HD 36, Butte**

Proponents: **Colleen Graham, Montana School Boards Association**
Loran Frazier, School Administrators of Montana
Bill Cooper, Office of Public Instruction

Opponents: **None**

Opening Statement by Sponsor:

REP. JOE QUILICI, HD 36, Butte, said originally, a bill for emergency and disaster services in Montana had been introduced. The reason was to ensure, in event of disasters, there was coordination between local governments and school districts; however, MSBA considered it an unfunded mandate. Therefore, **HJR 20** was drafted and its language asked the Board of Public Education to cooperate with state and local government emergency agencies to identify local hazards.

Proponents' Testimony:

Colleen Graham, Montana School Boards Association (MSBA), said part of the compromise mentioned by **REP. QUILICI** was MSBA would, post-haste, distribute a policy to their members. She said they complied by sending copies with policy notes which described a reason. They thought the resolution was a good compromise and urged a DO CONCUR. She distributed copies of information regarding **HJR 20 EXHIBIT (eds58a09)**.

Loran Frazier, School Administrators of Montana (SAM), said they also were part of the group in reaching the compromise to support the resolution. He said it suggested changes in fire drills, disasters, etc., but encouraged school districts to give it a try. They urged support of **HJR 20**.

Bill Cooper, Office of Public Instruction (OPI), said they rose in support of the resolution, explaining when decision-makers were brought together, it was important to have coordination, cooperation and corroboration. The resolution accomplished just that; therefore, OPI urged the Committee's support.

Opponents' Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

REP. JOE QUILICI said if **HJR 20** protected Montana's children, that was good enough for him.

{Tape : 1; Side : B; Approx. Time Counter : 15.4}

Sponsor: REP. GAIL GUTSCHE, HD 66, Missoula

Proponents: Erik Burke, Governor's Office
Jake Ankeny, Associated Students, MSU
Ben Darrown, Associated Students, U of M
Colin Stevens, Associated Students, MSU-Billings

Opponents: None

Opening Statement by Sponsor:

REP. GAIL GUTSCHE, HD 66, Missoula, said HB 509 modified the appointment procedure for the student member of the Board of Regents. She explained current law did not address the details of the process for the appointment and the bill would put it into statute. The bill included: (1) Ensuring the Governor would make the final choice of the student member; (2) There be no fewer than three student candidates; (3) Adding clarity to the law (4) Codifying a fair and appropriate student selection.

Proponents' Testimony:

Erik Burke, Governor's Office, said they had worked with the associated students of the Montana University System in order to work out a process by which a student member of the Board of Regents would be appointed. He commented this procedure had worked well because the students would forward the names and the Governor would choose from the applicants. This bill was an appropriate balance between allowing students to have a say in who was elected and maintaining the authority of the Governor to have the final say. He urged support for HB 509.

Jake Ankeny, Associated Students, MSU, said they strongly supported the bill because of its benefits to the students. It was necessary because a student regent was uniquely different from other regent positions, in that students needed to give input into who would represent them for one year. He contended since the position was for only one year, it was important for the student regent to have knowledge and experience of the budget, etc. The student regent had an important role in transmitting information both to students and the Board of Regents, because the student regent had close contacts with student governments on the university campuses. Therefore, he or she knew the issues and could transmit them to the Board of Regents. He reminded the Committee this person represented about 35,000 students, and since the Board was composed of seven members, it was important to have one member who was a full representative of all students.

Ben Darrow, Associated Students, U of M, read his written testimony **EXHIBIT(eds58a10)**. He also said the Commissioner of Higher Education Dick Crofts had planned to be present, but at the last minute, could not. However, he expressed support for the bill.

Colin Stevens, Associated Students, MSU-Billings, said the bill did not cost anything, but was necessary. He urged its passage.

Opponents' Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

REP. GAIL GUTSCHE reiterated **HB 509** had the support of the Associated Students, Commissioner of Higher Education and Governor. She said **SEN. FRED THOMAS** would carry the bill on the Senate Floor.

ADJOURNMENT

Adjournment: 4:25 P.M.

SEN. DARYL TOEWS, Chairman

JANICE SOFT, Secretary

DT/JS

EXHIBIT (eds58aad)